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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

4 -----X  
5 ERIC SPRONZ,

6 Plaintiff,

7 -against-

8 DOCKET NO.: 2:23-CV-03689 (JMA) (SIL)

9 COUNTY OF SUFFOLK, SUFFOLK COUNTY EXECUTIVE  
10 STEVEN BELLONE, IN HIS OFFICIAL CAPACITY  
11 ONLY, SUFFOLK COUNTY POLICE COMMISSIONER  
12 RODNEY K. HARRISON, IN HIS OFFICIAL  
13 CAPACITY ONLY, SUFFOLK COUNTY COMMANDING  
14 OFFICER OF THE PISTOL LICENSING BUREAU  
15 LIEUTENANT MICHAEL KOMOROWSKI, IN HIS  
16 OFFICIAL CAPACITY ONLY, SUFFOLK COUNTY  
17 POLICE OFFICER KEVIN WUSTENHOFF, IN HIS  
18 INDIVIDUAL AND OFFICIAL CAPACITY, SUFFOLK  
19 COUNTY POLICE OFFICER/PISTOL LICENSING  
20 BUREAU POLICE OFFICER DANIEL JUGAN, IN HIS  
21 INDIVIDUAL AND OFFICIAL CAPACITY, JANE AND  
22 JOHN DOE NO. 1-10, IN THEIR OFFICIAL AND  
23 INDIVIDUAL CAPACITY

24 Defendants.

25 -----X

Zoom Videoconference  
New York, New York

DATE: September 26, 2024  
TIME: 10:02 A.M.

DEPOSITION of KEVIN WUSTENHOFF, a Defendant  
herein, taken by the Plaintiff, pursuant to  
Article 31 of the Civil Practice Law &  
Rules of Testimony, and held remotely,  
before GABRIELLA TUTINO, a Stenographic  
Reporter and Notary Public of the State of  
New York.

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## 2       A P P E A R A N C E S

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4       LAW OFFICE OF RICHARD W. YOUNG, SR. ESQ  
5       Attorney for Plaintiffs  
6       863 Islip Avenue  
7       Central Islip, NY 11722  
8       631.224.7500  
9       BY: RICHARD YOUNG, ESQ.  
10      BY: CORY MORRIS, ESQ.  
11      E-MAIL: Info@CoryHMorris.com

8

9       SUFFOLK COUNTY ATTORNEY'S OFFICE  
10      ASSISTANT COUNTY ATTORNEY  
11      Attorney for Defendants  
12      H. Lee Dennison Building  
13      100 Veterans Memorial Highway  
14      P.O. Box 6100  
15      Hauppauge, NY 11788  
16      631-853-4055  
17      BY: ARLENE S. ZWILLING, ESQ.  
18      E-MAIL: ARLENE.ZWILLING@SUFFOLKCOUNTYNY.GOV

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15       ALSO PRESENT:

16       Eric Spronz, plaintiff

17       Lieutenant Michael Komorowski, defendant

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S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the  
respective parties herein, that filing,  
sealing and certification be and the same  
are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form  
of the question shall be reserved to the  
time of the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
and sworn to before any officer authorized  
to administer an oath, with the same force  
and effect as if signed and sworn to before  
The Court.

IT IS FURTHER STIPULATED AND AGREED that  
subject to any rulings on any express or  
reserved objections to particular  
questions, the transcript of this remote  
deposition will be deemed admissible for  
purposes of any dispositive motions, and

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2       will be deemed admissible by the  
3       party-opponent at trial.

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1 K. WUSTENHOFF

2 THE REPORTER: Will Counsel  
3 stipulate it's okay to swear in the  
4 witness remotely for today's  
5 proceedings and that there is no  
6 objection at this time, nor will  
7 there be one at a future date.

8 MR. YOUNG: I'm having problems  
9 understanding what you're saying.

10 THE REPORTER: I'm going to  
11 swear the witnesses in remotely, so  
12 I'm asking Counsel to stipulate it's  
13 okay to swear in the witnesses  
14 remotely.

15 MR. YOUNG: Yes.

16 MS. ZWILLING: So stipulated.

17

18 K E V I N W U S T E N H O F F, after  
19 having first been duly sworn by a Notary  
20 Public of the State of New York, was  
21 examined and testified as follows:

22

23 EXAMINATION BY MR. YOUNG:

24 Q. State and spell your name for  
25 the record, please.

1 K. WUSTENHOFF

2 A. Kevin Wustenhoff.

3 Q. State and spell your address  
4 for the record, please.

5 MS. ZWILLING: Business address  
6 please.

7 A. 30 Yaphank Avenue, Yaphank, New  
8 York 11980.

9 Q. Mr. Wustenhoff, what's your  
10 birthday?

11 MS. ZWILLING: Objection. Just  
12 give the year of your birth.

13 A. 1977.

14 Q. Tell us about your educational  
15 background?

16 A. 12 years of high school, 12  
17 years of public school education, graduated  
18 from high school. Little over a year of  
19 college education and police academy  
20 training.

21 Q. Okay. Where did you go to  
22 college?

23 A. SUNY Canton in Canton, New  
24 York.

25 Q. Now, what date did you join the

1 K. WUSTENHOFF

2 Suffolk County Police Department?

3 A. September 12, 2005.

4 Q. Was that the first law  
5 enforcement agency you ever belonged to?  
6 Were there any prior law enforcement  
7 experience?

8 A. Not as a police officer.

9 Q. What prior experience did you  
10 have?

11 A. Before that I worked for the  
12 district attorney's office and I don't know  
13 if it counts or not, but I worked for the  
14 Department of Public Safety for a number of  
15 years.

16 Q. So could you tell us about that  
17 employment history?

18 A. Which one.

19 Q. Well, start with your first job  
20 you had?

21 A. My first I ever had or, can you  
22 be a little more specific.

23 Q. Let's say from high school on?

24 A. My first job that I ever had  
25 was working for a packaging company.

1 K. WUSTENHOFF

2 Q. Okay?

3 A. After that I worked for King  
4 Cullen.

5 Q. All right?

6 A. I was a pizza delivery guy.

7 Q. Okay. At what point did you  
8 start working with either, which did you  
9 start working with first, public safety or  
10 the district attorney's office?

11 A. Public safety.

12 Q. Okay. Who employed you and  
13 what did you do?

14 A. It was the Town of Brookhaven  
15 and served to be eyes and ears for parks  
16 grounds and serve noise summons for people  
17 who violate the ordinances. Collect road  
18 hazards, abandoned vehicles.

19 Q. When did you start that  
20 employment?

21 A. 1996.

22 Q. Okay. How long were you  
23 employed by them?

24 A. Let's see. It was probably on  
25 again, off again for approximately nine



1 K. WUSTENHOFF

2 years.

3 Q. Did you have to go to any kind  
4 of training to be able to issue summons or  
5 stuff like that, law enforcement training?

6 A. It was all inside employment  
7 training by people who had forms of  
8 experience before that.

9 Q. Okay. You did issued summons  
10 while you were part of that organization?

11 A. Yes.

12 Q. Okay. And, at what time, what  
13 was your next job after that one?

14 A. I think I might have worked  
15 for, we are going back some time, there was  
16 a local newspaper.

17 Q. Okay. So you were  
18 approximately 21 when you started with  
19 Brookhaven?

20 A. I was 19.

21 Q. 19, and then you worked for  
22 them about nine years. So you were about 28  
23 when you finished with them?

24 A. Well I finished that, I had  
25 left some times and went back. So it was

1 K. WUSTENHOFF

2 on again, off again, yes, roughly 28 when I  
3 returned a couple of years later one more  
4 time.

5 Q. Okay. So after you left this  
6 Brookhaven, you went to work for non law  
7 enforcement type positions?

8 A. Yes.

9 Q. And then you returned to them  
10 at some point?

11 A. Yes.

12 Q. Okay. How long did you return  
13 to them for?

14 A. I returned back to them in 2008  
15 and I worked for two more years there.

16 Q. You were actually a police  
17 officer at that time then; correct?

18 A. Correct.

19 Q. When did you work for the  
20 district attorney's office?

21 A. It was 2002 until my hire date  
22 at the police department.

23 Q. What did you do at the district  
24 attorney's office?

25 A. I served as an aide dealing

1 K. WUSTENHOFF

2 with archived files.

3 Q. Okay. Is that the full extent  
4 of your government employment; the Town of  
5 Brookhaven, the district attorney's office,  
6 and the Suffolk County Police Department?

7 A. No, I worked one summer with  
8 South Hampton Town Police Department as a  
9 traffic control officer.

10 Q. What year was that?

11 A. I think it was 2000 or 2001.

12 Q. Did you get any training for  
13 that position?

14 A. It was inside the employment,  
15 they taught us how to write parking  
16 tickets.

17 Q. Now, you joined the Suffolk  
18 County Police Department September 12,  
19 2005. Tell us about your training with  
20 them?

21 A. It was classroom training for  
22 criminal procedure law, penal law, vehicle  
23 and traffic law, hands-on for defensive  
24 tactics, driving instruction, firearms  
25 training, EMT.

1 K. WUSTENHOFF

2 Q. How long did this training  
3 last?

4 A. It went through March of 2006.

5 Q. Then you graduated the police  
6 academy in March?

7 A. Correct.

8 Q. Where were you assigned?

9 A. The 7th precinct.

10 Q. Post academy, did you have any  
11 training?

12 A. Yes.

13 Q. Okay. Would that be inservice  
14 training?

15 A. Yes.

16 Q. Did you ever have any other  
17 training other than inservice training  
18 after you left the academy?

19 A. No.

20 Q. Now, how long were you in the  
21 7th precinct?

22 A. Until 2010.

23 Q. Where were you transferred to  
24 then?

25 A. I went to, initially it was to

1 K. WUSTENHOFF

2 chief of department holiday task force.

3 Q. All right. How long did that  
4 last?

5 A. Six or eights weeks, no more  
6 than two months.

7 Q. Then where did you go?

8 A. Selective alcohol fatality  
9 enforcement team.

10 Q. Is that a part of highway?

11 A. Yes, it is.

12 Q. Did you get any training for  
13 that?

14 A. Yes.

15 Q. Where was that training done?

16 A. Police academy.

17 Q. You returned to the academy for  
18 that training?

19 A. Yes.

20 Q. How long was that for?

21 A. Depends upon the training.

22 Q. Well how long was it for you?

23 A. It depends on the training.

24 Q. How many times did you return  
25 to the police academy for training in that

1 K. WUSTENHOFF

2 unit?

3 A. I would have to refer to my  
4 personal records to know that.

5 Q. Was it more than two?

6 A. Yes.

7 Q. Was it less than 10?

8 A. I couldn't say.

9 Q. Okay. What was the training  
10 you were receiving regarding that?

11 A. Utilizing intoxilyzer, how to  
12 direct field sobriety tests, the ARIDE  
13 training which was like the preliminary,  
14 trying to make observations for drug  
15 impairment. But that was continual.

16 Q. Did you receive any highway  
17 accident investigation training?

18 A. No.

19 Q. Did you ever receive any  
20 detective or investigative training?

21 A. No.

22 Q. Approximately how many times  
23 have you testified in court?

24 A. Speculating at best, you know,  
25 I don't know that I can put a hard number

1 K. WUSTENHOFF

2 on that. It could be 50 times.

3 Q. Okay. Would that include  
4 refusal hearings?

5 A. Yes.

6 Q. So, in a court of law before a  
7 judge, how many times, in a court of law,  
8 district court, county court, you know, how  
9 many times have you testified; if you can  
10 recall?

11 A. It would be very difficult for  
12 me to put a hard number on that. It really  
13 would be.

14 Q. When was the last time you  
15 testified in a court of law?

16 A. In 2020.

17 Q. There came a point in time you  
18 were assigned to the pistol license  
19 division or section, whatever?

20 A. Yes.

21 Q. When was that?

22 A. November 1, 2022.

23 Q. And, what was your position in  
24 this pistol license?

25 A. Police officer.

1 K. WUSTENHOFF

2 Q. Okay. What was your function?

3 A. Investigate pistol license  
4 applicants.

5 Q. Okay. Did you receive any  
6 training in how to investigate pistol  
7 license applicants?

8 A. Yes.

9 Q. Who gave you the training?

10 A. Members of the bureau.

11 Q. So it was on-the-job training?

12 A. Yes.

13 Q. So it wasn't inservice where  
14 you went somewhere else and sat down and  
15 they taught you?

16 A. Yes.

17 Q. Yes, what? Yes it was, or no it  
18 wasn't?

19 A. The way you asked it the answer  
20 was yes.

21 Q. So you went to another location  
22 and you were trained on how to investigate?

23 A. No, the way you asked it is if  
24 I had it assigned in the office which I  
25 did.



1 K. WUSTENHOFF

2 Q. So basically you were given  
3 cases and you asked people what you should  
4 be doing?

5 A. Yes.

6 Q. So, was your only function to  
7 investigate applicants?

8 A. No.

9 Q. What was your other functions?

10 A. Assist with the counter for  
11 walk-in inquiries and services for people  
12 who were coming in.

13 Q. Any other function besides  
14 that?

15 A. As I became more proficient in  
16 the position dealing with pistol license  
17 suspensions, transfers, and retirements of  
18 police officers, daily inquiries coming  
19 over the phone, people walking in, things  
20 of that.

21 Q. Okay. So what point did you  
22 start investigating pistol license suspensions?

23 A. In 2023.

24 Q. Do you know what month you  
25 started investigating pistol license

1 K. WUSTENHOFF

2 suspensions?

3 A. Yes.

4 Q. What month?

5 A. February.

6 Q. Was Spronz the first matter you  
7 were assigned to for pistol license  
8 suspension?

9 A. Yes.

10 Q. Okay. So, who gave you this  
11 assignment?

12 A. The admin staff assigns me. I  
13 walk in and I get it from the admin staff.

14 Q. Who is the admin staff; is it  
15 sergeant, lieutenant?

16 A. I get the envelope from, I  
17 don't know who the title is, it's one of  
18 the secretaries.

19 Q. Is there cross talk going on  
20 here? Please, no crosstalk?

21 A. I was speaking my thought  
22 aloud. I don't know what her title is and  
23 I don't want to belittle her by calling her  
24 a secretary. I want to say she is a  
25 principal assistant or something like that.

1 K. WUSTENHOFF

2 Q. Okay. So she gives you an  
3 envelop that says you have this case;  
4 right?

5 A. Correct.

6 Q. What was in the envelope?

7 A. A suspension notice.

8 Q. That was it?

9 A. And a case file of the  
10 suspended licenses.

11 Q. When you say case file, what is  
12 that?

13 A. It is the file that pertains to  
14 the pistol licensing.

15 Q. So that means, are we  
16 discussing the licensee, their application,  
17 and any other prior involvement they had  
18 with the pistol license section; is that  
19 what we're discussing?

20 MS. ZWILLING: Objection.

21 What, you're asking the witness what  
22 the two of you are discussing? I'm  
23 not sure that makes any sense.  
24 Perhaps you can rephrase your  
25 question so it's clearer.

1 K. WUSTENHOFF

2 Q. You said that there was a  
3 suspension notice and a pistol licensee  
4 information; right?

5 A. Yes.

6 Q. What's in that envelope, what  
7 does that consist of?

8 A. It is a cover letter with the  
9 suspension letter that they get in the  
10 mail, that's mailed to them, and then  
11 inside is the pistol licensee's file.

12 Q. Maintained by the Suffolk  
13 County Police Department pistol license  
14 section?

15 A. Yes.

16 Q. Okay. Was there anything else  
17 in there?

18 A. Aside from the file.

19 Q. Aside from his pistol license  
20 file and his suspension notice, was there  
21 anything else in this envelope?

22 A. No.

23 Q. So since this is your first  
24 case, what did you think you were supposed  
25 to do with it?

1 K. WUSTENHOFF

2 A. Investigate the cause of the  
3 suspension.

4 Q. Okay. Did you talk to anybody  
5 about what you should be doing to  
6 investigate this?

7 A. Yes.

8 Q. Who did you talk to?

9 A. At that time it would have been  
10 other coworkers in the office.

11 Q. Okay. And after speaking with  
12 them, what did you undertake? What did you  
13 do?

14 A. Read the file.

15 Q. Okay?

16 A. Read the matter that took place  
17 that caused the suspension.

18 Q. Okay. That would be the field  
19 report?

20 A. Yes.

21 Q. Anything else that you read  
22 besides the field report?

23 A. His file, which would --

24 Q. His license file maintained by  
25 the Suffolk County Police Department;

1 K. WUSTENHOFF

2 right?

3 A. Yes.

4 Q. I'm talking about now from the  
5 incident. What you did you read besides  
6 the field report?

7 A. How many guns he had.

8 Q. That would be on his pistol  
9 license section information; correct?

10 A. Correct.

11 Q. So we've established that you  
12 read that. Other than the field report  
13 regarding this incident, what did you read?

14 A. At that particular time that  
15 would probably be it.

16 Q. Okay. What was the first thing  
17 you undertook with regard to this  
18 investigation?

19 A. Making contact with the  
20 licensee.

21 Q. How did you do that?

22 A. Telephone.

23 Q. And, where did you call him  
24 from?

25 A. From pistol licensing bureau.

1 K. WUSTENHOFF

2 Q. Do you use the pistol licensing  
3 bureau telephones to make that phone call?

4 A. Yes.

5 Q. Okay. What date did you call  
6 him?

7 A. I think the first date that I  
8 spoke with him was the date I was assigned.

9 Q. Okay. Did you make any notes  
10 regarding that telephone call?

11 A. Yes.

12 Q. Where are these notes?

13 A. They would be in his file.

14 Q. Okay.

15 MR. YOUNG: I call for  
16 production of notes from the file as  
17 we do not have any notes.

18 MS. ZWILLING: Incorrect. You  
19 were provided with the complete file.

20 Q. When you say you wrote notes,  
21 how did you write them? How did you  
22 memorialize them?

23 A. I entered them in a computer  
24 which is the digital file for the licensee.

25 Q. What was the next thing you did

1 K. WUSTENHOFF

2 after you contacted him by phone with  
3 regards to this investigation?

4 A. Documented the call.

5 Q. After that what did you do?

6 A. I think that was it for the  
7 first day.

8 Q. Let's get off the first day.  
9 What was the next thing you undertook with  
10 regard to this investigation?

11 A. I would have to see the file to  
12 know what date I spoke with him next.  
13 Couldn't have been too long after.

14 Q. You have your file with you?

15 A. No.

16 Q. Have you reviewed your file  
17 before this deposition?

18 A. Somewhat, yes.

19 Q. Okay. So, so tell me, you're  
20 investigating his pistol license  
21 suspension. You call him. How many times  
22 did you call him?

23 A. That first time I think it was  
24 just once. Could have been twice but it  
25 may have been once or twice.



1 K. WUSTENHOFF

2 Q. After you speak with him, what  
3 did you do?

4 A. I documented that I spoke with  
5 him.

6 Q. I understand that. We are  
7 beyond speaking with him. What else did  
8 you do?

9 A. Again, I'd have to look at the  
10 date but I spoke with one of the police  
11 officers that went to his house.

12 Q. Okay. What was the sum and  
13 substance of that conversation?

14 A. I wanted to ask about the  
15 incident that was documented by them.

16 Q. Okay. What did they say?

17 A. I was told that there was an  
18 incident where a complainant stated that,  
19 we haven't used his name so I don't know if  
20 I'm supposed to say it first or not.

21 Q. You can say it?

22 A. I was told that Eric Spronz  
23 went to a private home and that the  
24 complainant stated that he visibly had a  
25 gun on his person while he was assisting

1 K. WUSTENHOFF

2 one of the complainant's family members in  
3 a domestic dispute with a husband moving  
4 belongings from the house.

5 Q. She was having a domestic  
6 dispute at that time?

7 A. I don't know, I wasn't there.

8 Q. Okay. Did you ask the officer  
9 if there was a domestic dispute at that  
10 time?

11 A. No.

12 Q. So Mr. Spronz was there just to  
13 help this person move furniture out; to  
14 your knowledge?

15 A. Yes.

16 Q. You didn't know if there was an  
17 ongoing, if there was an actual dispute  
18 ongoing at that very time; did you?

19 A. On that date, no.

20 Q. Now, what else did the officer  
21 tell you?

22 A. That the, looked in the  
23 computer to see what kind of pistol license  
24 Mr. Spronz had. And verified the validity  
25 of his license status.

1 K. WUSTENHOFF

2 Q. Right?

3 A. And then they wrote a police  
4 report.

5 Q. And you reviewed that report;  
6 correct?

7 A. Yes.

8 Q. That report said that  
9 Mr. Spronz's pistol was not visible when  
10 the police arrived; correct?

11 A. I don't know that it says that.  
12 I'd have to look at it.

13 Q. It's the field report; correct?

14 MS. ZWILLING: Why don't you  
15 show him the document. That would  
16 facilitate the response.

17 MR. YOUNG: What am I going to  
18 do, hold it up to the camera.

19 MS. ZWILLING: No, have the,  
20 screen share it or have the reporter  
21 mark it and screen share it.

22 MR. YOUNG: Unfortunately  
23 Arlene, I don't know how to do any of  
24 that with a computer.

25 MS. ZWILLING: I'm sure

1 K. WUSTENHOFF

2 Mr. Morris is capable of it.

3 MR. MORRIS: I'm glad I have  
4 the opportunity to chime in. Officer  
5 is there anyone in the room with you?

6 MS. ZWILLING: Cory, you're not  
7 conducting the deposition.

8 MR. MORRIS: I'm not, okay. Mr.  
9 Young, are you able to conduct the  
10 deposition. I know you've been doing  
11 this for quite some time. You don't  
12 have any problems conducting the  
13 deposition in the manner you see fit,  
14 do you.

15 MR. YOUNG: No, I don't.

16 MS. ZWILLING: Cory, one of you  
17 can conduct the deposition going  
18 forward. Okay, don't yell at me  
19 again and don't smirk at me. You're  
20 not funny.

21 MR. YOUNG: No --

22 MS. ZWILLING: Matter of fact,  
23 you're misogynistic and offensive and  
24 insulting.

25 MR. MORRIS: I'm sorry, are you

1 K. WUSTENHOFF

2 done.

3 MS. ZWILLING: Please do not  
4 belittle me like that again.

5 MR. MORRIS: I'm just objecting  
6 to everything you said. I was sitting  
7 here quietly.

8 MS. ZWILLING: Which one --

9 MS. MORRIES: Are you done  
10 speaking, I'd like to talk now.

11 MS. ZWILLING: I am entitled,  
12 as entitled to speak at this  
13 deposition as you are.

14 MR. MORRIS: Let me know when  
15 you're done.

16 MS. ZWILLING: And that entails  
17 you not interrupting me.

18 MR. MORRIS: When you're done  
19 please.

20 MS. ZWILLING: One of you may  
21 go forward with the deposition. It's  
22 not going to be a tag team.

23 MR. MORRIS: Are you finished  
24 speaking.

25 MS. ZWILLING: Again Mr.

1 K. WUSTENHOFF

2 Morris, do not speak down to me.

3 MR. MORRIS: I'm asking you if  
4 you're finished speaking.

5 MS. ZWILLING: Yes, in a rather  
6 dismissive demeaning manner. I treat  
7 you like a colleague. I expect you  
8 to --

9 MR. YOUNG: Can we move along  
10 here, I have things to ask.

11 MS. ZWILLING: Why don't you go  
12 forward with the questioning.

13 MR. YOUNG: I am.

14 MS. ZWILLING: Please allow me  
15 to finish. If the witness cannot  
16 remember the contents of a document,  
17 he can tell you that. If you wish to  
18 have the reporter screen share  
19 things, I'm sure she can accommodate  
20 you but that's your choice.

21 MR. YOUNG: I'll go on with my  
22 questioning.

23 MS. ZWILLING: Sorry.

24 MR. YOUNG: I'll go on with my  
25 questioning now. Thank you Arlene.

1 K. WUSTENHOFF

2 Q. Now Officer Wustenhoff, isn't  
3 it a fact that the field report says when  
4 the unassigned officer arrived, the weapon  
5 was concealed and O was cooperative with  
6 notifying responding officers of his  
7 weapon. Doesn't it actually say that?

8 A. To my recollection, yes.

9 Q. All right. So after speaking  
10 with the officer, what did you do next?

11 A. I believe I went home.

12 Q. I'm not talking about that day,  
13 I'm talking your next investigative task  
14 regarding this case that you been handed to  
15 by the administrative staff. What did you  
16 do investigative, in pursuit of your  
17 investigation?

18 A. I don't want you to think I'm  
19 cracking wise, I just want you to be  
20 specific with the question. It's a very  
21 broad investigation.

22 Q. What was your next  
23 investigative task regarding Spronz after  
24 speaking with the officer?

25 A. Ensuring that the firearms were

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2 properly secured.

3 Q. Okay. How did you do that?

4 A. I contacted Mr. Spronz by a  
5 telephone to make sure he surrendered the  
6 firearms.

7 Q. That was the first day he did  
8 that. I'm talking about now after you  
9 spoke with the officer. What day did you  
10 speak with the officer?

11 A. Within the first couple days of  
12 the license suspension.

13 Q. Okay. So after speaking with  
14 Spronz, you stated that the next thing you  
15 did was speak to the officer who was at the  
16 scene; is that correct?

17 A. Yes.

18 Q. Okay. What did you do  
19 investigative as part of your investigation  
20 after speaking with the officer?

21 A. I checked Mr. Spronz's criminal  
22 history, and incidents relating to his name  
23 and address.

24 Q. Okay. And when did you do  
25 that?



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2 A. That would have been over the  
3 course of February 27 through July, I  
4 believe it was July 11 which was the length  
5 of the investigation.

6 Q. So you checked Mr. Spronz's  
7 criminal background. Did you find  
8 anything?

9 A. No.

10 Q. Okay. What else did you do  
11 besides investigate Mr. Spronz?

12 A. I received an unsolicited  
13 statement from other people that state that  
14 they could account what took place that  
15 day.

16 Q. When did you receive that?

17 A. I think that was on March 6 or  
18 March 7.

19 Q. What did you do after receiving  
20 that?

21 A. I contacted Mr. Spronz.

22 Q. Okay. What was the sum and  
23 substance of the conversation?

24 A. I asked him why he interfered  
25 with my investigation.

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2 Q. How is that an interference?

3 A. Because there's no way for me  
4 to get an objective statement from someone  
5 if it's been guided on a prior statement.

6 Q. Okay. And, isn't it a fact  
7 that Mr. Spronz had to send in a letter to  
8 the pistol license section explaining the  
9 occurrence? Wasn't that demanded from the  
10 pistol license section?

11 A. Yes, it was.

12 Q. Okay. And wasn't that letter  
13 in response to that?

14 A. His statement was the response  
15 to that.

16 Q. So he can't submit statements  
17 of other witnesses?

18 A. He can do whatever he likes I  
19 suppose.

20 Q. So, after you -- now all of  
21 this stuff like contacting the officer who  
22 was at the scene, that's documented in your  
23 computer notes of this case?

24 A. I would have to review the  
25 notes of the case. If it is it's going to

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2 be inside the licensee, the data file from  
3 the licensee.

4 Q. All of these conversations  
5 you're having with Mr. Spronz, they were  
6 also part of your computerized notes?

7 A. Yes.

8 Q. Every one of them?

9 A. Almost all of them.

10 Q. After contacting Mr. Spronz and  
11 telling him he interfered with your  
12 investigation, what did you do next?

13 A. Occasionally over that time  
14 period from February to July, I would  
15 review the case, see if there was any new  
16 information that came up with Mr. Spronz.

17 Q. I.e. what does that mean, that  
18 he was arrested or something?

19 A. Yes.

20 Q. Okay. What else did you do as  
21 far as your investigation into his  
22 suspension?

23 A. I also investigated the  
24 location where it took place.

25 Q. Did you drive there?

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2 A. No.

3 Q. So, how do you investigate it?

4 A. Using our computer system.

5 Q. What were you looking for?

6 A. If there was a history of  
7 criminality or domestic incidents or  
8 anything suspicious taking place, whatever  
9 the history that was recorded by police  
10 that took place at that location.

11 Q. What did you find?

12 A. I found that there was a family  
13 that lived there, and I learned the  
14 information of the woman that Mr. Spronz  
15 was there to help.

16 Q. Okay. What did you find out  
17 about her?

18 A. She lived there. She was  
19 married to another resident there, she was  
20 by marriage related to the homeowner. She  
21 had a history of arrests, and that was it  
22 for her.

23 Q. Okay. Did you investigate  
24 anyone else from that address?

25 A. The homeowner.

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2 Q. What did you investigate as far  
3 as him?

4 A. I reviewed if he had any recent  
5 criminality, if there were any police  
6 interactions at the house, and I did have a  
7 telephone interview with him.

8 Q. Okay. When was that?

9 A. I believe that was in March of  
10 2023.

11 Q. Is that in your computerized  
12 notes that you spoke with him?

13 A. Yes, I believe that's in there.

14 Q. What was the sum and substance  
15 of that conversation?

16 A. I believe his name was Wayne  
17 Algier. Wayne Algier was the homeowner.  
18 He stated that his, he had a family member  
19 and a wife staying in his house on the  
20 night that we are talking about which was I  
21 believe February 18.

22 Q. Yes?

23 A. February 18, 2023, he states  
24 that while working in his driveway with  
25 another family member, you have to forgive

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2 me because I can't remember who that was, I  
3 just know he identified it as another  
4 family member. Were working on the  
5 alternator on his truck in the driveway  
6 when a pickup truck approached the front of  
7 the house on the street, and identified  
8 Mr. Spronz as exiting the vehicle. And he  
9 said that from the driveway he could see  
10 that Mr. Spronz was wearing a pistol on his  
11 hip. And they had a discussion, didn't  
12 sound like it was very nice, where he says  
13 that Mr. Spronz, he asked Mr. Spronz if  
14 he's a cop, Mr. Spronz says yes.  
15 Mr. Algier says what precinct, Mr. Spronz  
16 corrects himself and says no, I'm not a  
17 cop, and Mr. Algier tells him that he  
18 doesn't want him to bring the gun up onto  
19 his property. He then reports that  
20 Mr. Spronz returns to his truck which is  
21 still parked on the street, but he notices  
22 at least one child sitting in the truck.  
23 When he returns back to the driveway he no  
24 longer can visibly see the firearm on him.  
25 And then Mr. Spronz, this is according to

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2 Mr. Algier, is notified by him that he is  
3 calling the police because he feels that  
4 this is an incident requiring police  
5 attention.

6 Q. Okay. Did you put all of these  
7 statements of Mr. Algier on the computer or  
8 just did you note that you made a phone  
9 call to him?

10 A. I believe I made a, I believe I  
11 made a pretty specific documentation to  
12 remarks that he said including his reason  
13 for calling the police which was a repeated  
14 phase of, he felt Mr. Spronz was emanating  
15 a show of force to him.

16 Q. Other than Mr. Algier, did you  
17 speak with anybody else regarding this  
18 incident?

19 A. No.

20 Q. Okay. After speaking with  
21 Mr. Algier sometime in March, what was the  
22 next investigative step you took in this  
23 matter?

24 A. I took his account of the  
25 information and reviewed it against the

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2 statements of the other parties that  
3 Mr. Spronz provided.

4 Q. Did you contact any of those  
5 other parties?

6 A. No.

7 Q. Did Mr. Spronz provide  
8 photographs with his documentation of the  
9 incident?

10 A. Yes.

11 Q. Did you see that Mr. Spronz had  
12 a very oversized sweatshirt on?

13 A. I saw that he took a picture in  
14 what appeared to be a different location  
15 from where the incident took place and he  
16 is wearing an oversized sweatshirt.

17 Q. Could it be the same sweatshirt  
18 Mr. Algier identified as some kind of  
19 shooting club sweatshirt?

20 A. Yes.

21 Q. The sweatshirt that has no  
22 zipper in the front?

23 A. I don't recall that.

24 Q. It goes down to well below his  
25 waist?



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2 A. Yes.

3 Q. Did you ask Mr. Algier how he  
4 could see this pistol on somebody wearing  
5 such a sweatshirt?

6 A. Yes.

7 Q. What was his answer?

8 A. He said that the sweatshirt was  
9 behind the gun and he could see the gun on  
10 his hip.

11 Q. So the sweatshirt was tucked in  
12 his pants, is that his answer?

13 A. I suppose you would have to ask  
14 him that. He just told me that he could  
15 see the gun quite visibly.

16 Q. I understand but you're the one  
17 investigating this?

18 A. I just provided you my answer.

19 Q. So you didn't delve further in  
20 investigation how a sweatshirt that goes  
21 down well below somebody's waist --

22 A. I don't need to be provided a  
23 satisfactory answer in which he told me he  
24 could see the firearm before he's even on  
25 the property.

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2 Q. This was February 18; correct?  
3 2023?

4 A. Yes.

5 Q. Where did this take place?

6 A. 22 Virginia Road in Centereach.

7 Q. And approximately what time?

8 A. I believe it was at dusk.

9 Q. If I told you the field report  
10 stated that they were there at 14:19, would  
11 you dispute that?

12 A. I wouldn't dispute that.

13 Q. Okay. Do you know what the  
14 weather was in Centereach on February 18,  
15 2023?

16 A. No.

17 Q. You didn't check the weather  
18 for that date?

19 A. No.

20 Q. If I told you it was 37 degrees  
21 with a 7 to 10 mile an hour sustained wind,  
22 would you dispute that?

23 A. I suppose if you're getting it  
24 from reliable source, then no, I won't  
25 dispute that.

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2 Q. The times that you speak to  
3 Mr. Wayne Algeer, Algier, whatever his name  
4 is?

5 A. You came across muffled, can  
6 you ask that again.

7 Q. How many times did you speak  
8 with this Wayne Algier, Algeer, whatever  
9 his name was?

10 A. I believe once.

11 Q. Okay. Then after speaking with  
12 him, what if anything did you do as part of  
13 your investigation in Mr. Spronz's pistol  
14 suspension?

15 A. I reviewed Mr. Algier's  
16 statement to me against the statements that  
17 were provided from outside witnesses by  
18 Mr. Spronz.

19 Q. Again, you never contacted any  
20 of them?

21 A. No.

22 Q. After that, after reviewing and  
23 comparing it what did you do as part of  
24 your investigation?

25 A. Probably not a lot for a while.

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2 Q. Did you have any timeframe that  
3 you had to resolve this investigation?

4 A. Yes.

5 Q. What was your timeframe?

6 A. Six months.

7 Q. Why six months?

8 A. Because that is the standard of  
9 practice.

10 Q. Standard of practice of what?

11 A. For pistol licensing bureau.

12 Q. So you have six months to  
13 investigate while he's suspended?

14 A. Yes.

15 Q. Okay. And then what happens?

16 A. In most cases I tell people  
17 that my job is to do everything I can to  
18 get them reinstated after the six months.

19 Q. Why is it a six month  
20 suspension?

21 A. Because that is the standard of  
22 practice for the bureau.

23 Q. Everybody gets suspended for  
24 six months regardless of the allegation  
25 against them?

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2 A. Generally speaking, it's  
3 usually six months.

4 Q. So, how many other cases have  
5 you investigated regard pistol license  
6 suspension?

7 A. Now probably 20 or 30.

8 Q. And they are all suspended for  
9 six months?

10 A. Yes, sometimes longer.

11 Q. How does that determine that it  
12 will be longer?

13 A. I suppose that depends upon  
14 each individual circumstance.

15 Q. What does that mean?

16 A. I suppose that would be each  
17 individual circumstance.

18 Q. Yeah, what changes the  
19 circumstance? What are the different  
20 circumstances?

21 A. There's a thousand different  
22 circumstances. I'm not sure exactly how you  
23 want me to answer that.

24 Q. Okay. So, it's determined by  
25 Suffolk County pistol license that based on

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2 this allegation by Mr. Wayne Algier, Mr.  
3 Spronz is going to be suspended for a  
4 minimum of six months and after your  
5 investigation he may get his pistol permit  
6 back; is that what you're telling us?

7 A. So long as there's no other  
8 type of incident that would require a  
9 longer suspensions, yes. My goal would be  
10 to have him reinstated.

11 Q. And, who suspended Mr. Spronz?

12 A. I receive it suspended. But it  
13 ultimately comes from my supervisor.

14 Q. Who is that?

15 A. Lieutenant Komorowski.

16 Q. Now, you're not trying to  
17 verify whether or not the allegation is  
18 legitimate or not?

19 A. I verified that.

20 Q. So, you didn't contact any  
21 other witnesses and you only spoke with a  
22 gentleman who said that he saw a gun on a  
23 person with an oversized hoodie with no  
24 zipper. That was verified?

25 A. It was verified by the

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2 information provided by Mr. Algier and then  
3 there were two witness statements and the  
4 licensee statement that if you read them it  
5 spells out why he was suspended.

6 Q. So, you tell me, what spelled  
7 it out?

8 A. Sure. He entered a known  
9 domestic situation, he came to a property  
10 with a homeowner was out front before he  
11 got on it, who told him do not a bring a  
12 gun there. He allowed himself to get  
13 involved in a domestic incident because the  
14 one witness even articulates in their  
15 statement that it was a contentious divorce  
16 that Marie Algier was going through with  
17 her husband. So not being able to verify  
18 whether or not her husband would be there  
19 or not enters the possibly that he could be  
20 going into a violent domestic situation  
21 while carrying a firearm. There was at  
22 that time no sign that was posted that  
23 welcomed him there but the homeowner was  
24 very clear by saying he cannot come onto  
25 his property with the firearm. The way

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2 that Mr. Algier describes it to me is it  
3 that Mr. Spronz returns to his truck for  
4 just a second and puts his firearm in the  
5 truck. Now I don't know what he puts it  
6 into, but Mr. Algier says there's a child  
7 in the truck. And then when he returns,  
8 that he returns without a firearm. So  
9 those things together tell me that he's not  
10 properly carrying it to a location where  
11 he's welcome. It's now a sensitive  
12 location due to the domestic volatility.

13 Q. So let's take this piece by  
14 piece. You know under New York law you can  
15 have a safe in your vehicle and put your  
16 firearm in that safe?

17 A. Yes.

18 Q. Do you know if Mr. Spronz had a  
19 safe in his vehicle?

20 A. I don't.

21 Q. Are you familiar with the auto  
22 safes?

23 A. Yes.

24 Q. Okay. You know that with the  
25 press of a finger they can pop open based



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2 on fingerprints?

3 A. Yes.

4 Q. Okay. And, do you know if  
5 Mr. Spronz had such a safe?

6 A. I know he sent me a picture of  
7 him with a sweatshirt, but he didn't send  
8 me a picture of the safe.

9 Q. Did you ask him if he had a  
10 safe?

11 A. Mr. Spronz was very detailed in  
12 everything else there. I don't know why he  
13 never mentioned that, so no, I did not ask  
14 him.

15 Q. So Mr. Spronz in fact didn't go  
16 onto the property when he's told firearms  
17 weren't welcome, he returned to his vehicle  
18 to comply with the owner of the property?

19 A. No, because he went up onto the  
20 driveway, because the owner had a dispute  
21 with him in the driveway with regard to him  
22 having the firearm.

23 Q. Okay. But that, once he's told  
24 by the owner he doesn't want guns on the  
25 property, you said he went back to his

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2 truck?

3 A. Yes.

4 Q. Correct?

5 A. Yes.

6 Q. Is there a big red sign with a  
7 big slash that says no guns on his  
8 property?

9 A. Not to my knowledge.

10 Q. So when Mr. Spronz is advised  
11 that this gentleman who owned the property  
12 doesn't want him there with a firearm, he  
13 leaves and goes to his truck; correct?

14 A. Yes.

15 Q. Comes back without a firearm,  
16 according to the witness?

17 A. Yes.

18 Q. Okay. Now, you said that this  
19 was, one of the witness said they went  
20 there to assist her in moving furniture and  
21 it was a contentious divorce situation?

22 A. Yes.

23 Q. So if somebody's getting  
24 divorced, anybody with a pistol can't go to  
25 that home just because they're involved in

1 K. WUSTENHOFF

2 a divorce?

3 A. The way that the witnesses and  
4 Mr. Spronz describe it is that it is  
5 potentially a volatile domestic situation.  
6 So before he even get's onto Algier's  
7 property, he knows he's going to a domestic  
8 situation with a firearm.

9 Q. Did Mr. Spronz say he knew it  
10 was going to be, could potentially be a  
11 violent domestic situation?

12 A. He says that he knows he's  
13 going there to move Kim Algier out of that  
14 house because her and her husband are in  
15 the midst of a divorce.

16 Q. So, he doesn't say that he  
17 anticipates a violent domestic situation,  
18 does he?

19 A. Of course not.

20 Q. Other than the photographs that  
21 Mr. Spronz sent in to you, were there any  
22 other photographs involved in this matter?

23 A. There were no photographs  
24 provided to me.

25 Q. Other than the ones Mr. Spronz

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2 sent you; correct?

3 A. Correct.

4 Q. Did you, you only spoke with  
5 Mr. Wayne Algier on the phone?

6 A. Yes.

7 Q. During that conversation, did  
8 he identify to you the type of logo on the  
9 sweatshirt?

10 A. Yes.

11 Q. Something about a shooting  
12 club?

13 A. I think the shirt said  
14 sharpshooter.

15 Q. Sharpshooter. That would be  
16 the same thing that was sent to you on the  
17 photograph by Mr. Spronz as part of his  
18 package; correct?

19 A. Yes.

20 Q. Now, do you know the name of  
21 the relative that was with Mr. Algier on  
22 the day of the incident on February 18,  
23 2023?

24 A. I would have to review the  
25 file. I don't recall his name right now.

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2 Q. Do you know the relationship  
3 they had?

4 A. It would be a guess, I just  
5 know it was a relative.

6 Q. This phone call with  
7 Mr. Algier, Algeer, whatever his name was,  
8 approximately what date was that? Did you  
9 have that?

10 A. I believe that was in March of  
11 2023.

12 Q. Did you ever speak to him  
13 again?

14 A. No.

15 Q. Did you speak to him after  
16 internal affairs opened up an investigation  
17 into Mr. Spronz's pistol license  
18 suspension?

19 A. I don't know.

20 Q. You don't know what? You don't  
21 know if you spoke with him again?

22 A. That's not the question you  
23 asked.

24 Q. There came a point in time  
25 internal affairs began investigating

1 K. WUSTENHOFF

2 Mr. Spronz's civil matter?

3 A. Yes.

4 Q. When were you advised they were  
5 investigating it?

6 A. A couple of months in.

7 Q. What couple of months; April,  
8 May, June?

9 A. I don't know counsellor. You'd  
10 have to look at their documents. I don't  
11 know when they started investigating it.

12 Q. When did you first learn about  
13 it?

14 A. Maybe two months in, maybe it  
15 was in April. Could have been May.

16 Q. My question is after your March  
17 call with Mr. Algier, did you make another  
18 call to him after internal affairs began  
19 investigating this?

20 A. I don't know because I don't  
21 know exactly what date internal affairs  
22 started. So if I spoke with Mr. Algier, I  
23 wouldn't have knowledge as to when internal  
24 affairs became involved.

25 Q. Okay. Would that also be in

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2 your notes, any other phone calls to  
3 Mr. Algeer, Algier?

4 A. If I made a phone call that  
5 would have probably been in there.

6 Q. What do you mean would have  
7 probably?

8 A. If I made a phone call I would  
9 have documented it, I would have documented  
10 it.

11 Q. Now, I want to turn to your  
12 transfer to the pistol license section.  
13 You had previously been in highway; is that  
14 correct?

15 A. No.

16 Q. Where were you previously?

17 A. Directly before here I was in  
18 the court liaison section.

19 Q. Before the court liaison  
20 section where were you?

21 A. The 4th precinct.

22 Q. As what?

23 A. Police officer.

24 Q. When did you get assigned to  
25 the 4th?

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2 A. In October of 2013.

3 Q. You remained there up until  
4 what date?

5 A. Until August of 2020.

6 Q. That was when you were assigned  
7 to court liaison?

8 A. No.

9 Q. Okay. Where were you assigned  
10 in August of 2020?

11 A. I requested a transfer and they  
12 moved me to community relations bureau.

13 Q. When was that?

14 A. In August of 2020.

15 Q. What date in August of 2020?

16 A. I'd have to look at any  
17 personnel jacket. I don't remember exact  
18 what date.

19 Q. On August 10, 2020 where were  
20 you assigned?

21 A. The 4th precinct.

22 Q. What was your function?

23 A. I was in the patrol command.

24 Q. Were you still some kind of a  
25 DWI expert?



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2 A. I like to think I'm still some  
3 kind of a DWI expert.

4 Q. But you told me previously you  
5 were assigned to some DWI, I forget what  
6 you called it, task force or something?

7 A. The task force was two commands  
8 before that.

9 Q. Where did you go after the task  
10 force?

11 A. To selective alcohol fatality  
12 enforcement team.

13 Q. Where did you go after that?

14 A. To the 4th precinct.

15 Q. Why did you leave selective  
16 enforcement to go to the 4th precinct?

17 A. I needed more time with my  
18 children, so I had to change where I was  
19 working.

20 Q. Okay. So now getting back to  
21 August 10, 2020 you were working in the 4th  
22 precinct?

23 A. Yes.

24 Q. You responded to a motor  
25 vehicle accident on that date involving an

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2 off duty officer Mascarella?

3 A. Yes.

4 Q. And, there was a Sergeant  
5 McQuaid running the scene?

6 A. Yes.

7 Q. At some point he directed you  
8 to go and take a field sobriety, portable  
9 breath test of Officer Mascarella?

10 MS. ZWILLING: Objection. I  
11 want to note standing objection to  
12 any questions concerning the  
13 officer's personnel or disciplinary  
14 history, but you may proceed.

15 Q. You were directed to issue, to  
16 a BPP to Officer Mascarella?

17 A. You'll have to forgive me  
18 because I don't do these every day. The  
19 county attorney just said something so I'm  
20 just trying to find out.

21 Q. She said you can answer.

22 MS. ZWILLING: You can answer.

23 Q. It's a continuing objection?

24 MS. ZWILLING: Yes.

25 A. If I could ask you, Mr. Young,

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2 if you could repeat your question.

3 Q. Sure. Sergeant McQuaid told  
4 you to give Officer Mascarella a portable  
5 breath test; correct?

6 A. Yes.

7 Q. And you took his camera from  
8 the scene of the accident and you went to  
9 issue this test to Officer Mascarella;  
10 correct?

11 A. Yes.

12 Q. And you went to Southside  
13 Hospital where Officer Mascarella was;  
14 correct?

15 A. Yes.

16 Q. And while there, you went in  
17 the bathroom and took the portable breat  
18 test and issued it to yourself; correct?  
19 You took the test yourself?

20 A. First you asked me and then you  
21 told me, so which is it.

22 Q. Did you take the breath test  
23 yourself?

24 A. Yes, I did.

25 Q. Did you take photographs of the

1 K. WUSTENHOFF

2 results of that breath test?

3 A. Yes.

4 Q. And you did it with Sergeant  
5 McQuaid's department camera; correct?

6 A. Yes.

7 Q. You had that camera in your  
8 possession until what time?

9 A. It was either the following day  
10 or the day after that.

11 Q. And then you returned it to  
12 who?

13 A. To Sergeant McQuaid.

14 Q. And the picture of the results  
15 of that breath test were no longer in that  
16 camera; correct?

17 A. That is what I'm told.

18 Q. As a result of the incident  
19 involving this off duty police officer in  
20 this accident, you wound up with internal  
21 affairs charges and specification; correct?

22 A. Yes.

23 Q. 12 charges?

24 A. I'd have to have it in front of  
25 me but if nobody objects I'll say if you

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2 say so.

3 Q. There was a pretty intensive  
4 investigation into this entire motor  
5 vehicle accident involving Officer  
6 Mascarella?

7 MS. ZWILLING: Objection you  
8 may answer.

9 A. I suppose.

10 Q. You were interviewed by  
11 internal affairs and it was recorded on  
12 audiotape; is that correct?

13 A. I believe it was.

14 Q. Ultimately you agreed to a  
15 stipulation with internal affairs regarding  
16 your conduct from that auto accident; is  
17 that correct?

18 A. Yes.

19 Q. And, what was the sanction you  
20 received regarding this incident?

21 A. I don't have that in front of  
22 me, so.

23 Q. You were suspended for a period  
24 of time?

25 A. I was.

1 K. WUSTENHOFF

2 Q. How long was that perfect?

3 A. I believe it was 30 working  
4 days.

5 Q. When did you return to work  
6 after your suspension?

7 A. The suspension began in  
8 February of '22 and I returned to work in  
9 March of '22.

10 Q. Okay. At that time where were  
11 you assigned?

12 A. At that time I was assigned to  
13 court liaison section.

14 Q. How long did you remain there?

15 A. Approximately seven months.

16 Q. Where did you go from there?

17 A. From there I came to pistol  
18 licensing bureau.

19 Q. Also as a part of this  
20 involvement with internal affairs, you were  
21 mandated to retire on the 20th day, the day  
22 you have 20 years with the Suffolk County  
23 Police Department?

24 A. I would have to review that but  
25 that sounds like one of the things that's

1 K. WUSTENHOFF

2 in there.

3 Q. On average how many Suffolk  
4 County suspension cases are you  
5 investigating at a given time?

6 A. I would have to go out to my  
7 file box but I might have 20 or maybe up to  
8 30. I want to say probably closer to 20.

9 Q. And each one lasts six months  
10 approximately?

11 A. No.

12 Q. All right. How long does each  
13 one last?

14 A. Standard of practice would be a  
15 minimum of six months but if there are  
16 other factors involved, it could go longer.

17 Q. So is that if you have 20 cases  
18 each month you get assigned or is that 20  
19 cases in total that you carry?

20 A. That's in total what I'm  
21 carrying right now.

22 Q. Now --

23 MR. YOUNG: Give me a moment.

24 Arlene, I'm going to need to take a  
25 two or three minute break now if

1 K. WUSTENHOFF

2 that's okay.

3 MS. ZWILLING: That's fine.

4 (Whereupon, a recess was  
5 taken.)

6 Q. Officer Wustenhoff, is he gone?  
7 He's gone?

8 MS. ZWILLING: You're having  
9 difficulty with your video.

10 THE WITNESS: We got the audio,  
11 just not the video.

12 Q. Returning to this, your notes  
13 that you were taking as part of the matter,  
14 they do not seem to contain dates when you  
15 made phone calls, like your phone call to  
16 Mr. Wayne Algier, or Algeer. It doesn't  
17 say a date that you called him. Many of  
18 these entries don't have dates or times  
19 when these phone calls were made. Is that  
20 your ordinary course not to date, not to  
21 memorialize a date and time speaking with  
22 people?

23 MS. ZWILLING: Objection, you  
24 may answer.

25 A. I believe everything that I



1 K. WUSTENHOFF

2 documented has a date on it. Can you hear  
3 me, can you hear me.

4 Q. I can hear you. And I'd  
5 reading your reports and they simply say  
6 spoke with Algier. Doesn't have a date or  
7 a time or the amount of call. Doesn't have  
8 anything and I'm asking you how many times  
9 did you speak to Mr. Algier?

10 A. There we go. So you want to  
11 know how many times I spoke with him.

12 Q. Yeah, because your notes  
13 reflect one conversation?

14 A. I believe I did one, like an  
15 interview follow-up based on some of the  
16 case information I already had.

17 Q. Okay. What was the sum and  
18 substance of that conversation?

19 A. That was when he told me what  
20 his perspective of the incident that took  
21 place was.

22 Q. What did he tell you?

23 A. He told me about Mr. Spronz  
24 coming to the house.

25 Q. That's in your notes, that he

1 K. WUSTENHOFF

2 came to the house and there was a show of  
3 force and all of that?

4 A. Yes.

5 Q. What date or approximate date  
6 was that conversation had?

7 A. I think that might have been a  
8 little later, could have been May or even  
9 June. I would have to look at the file  
10 itself but I think the data sheet would  
11 record the date I had that conversation  
12 with him. It would say it right before I  
13 documented the call.

14 Q. I'm reading your thing and it  
15 just says follow-up telephone interview  
16 with Wayne Algier, his birthday, regarding  
17 that he complained and it goes right onto  
18 2/18/23. There's no date or time when the  
19 call was actually made. Now it says,  
20 follow-up telephone interview with Wayne  
21 Algier. Do you mean that's a follow-up to  
22 the report or is that a follow-up to a  
23 prior phone call?

24 A. I believe that was a follow-up  
25 for the report.

1 K. WUSTENHOFF

2 Q. Okay. Now, at any time,  
3 although you don't detail it, did you ever  
4 discuss the type of firearm with Mr. Algier  
5 that he alleges Mr. Spronz had?

6 A. That it was a handgun.

7 Q. I understand it was a handgun.  
8 That's why he has a pistol license. Did he  
9 describe whether it was a revolver, an  
10 automatic, a large gun, a small gun?

11 A. Well both a revolver and a  
12 semi-automatic would be a handgun.

13 Q. I just said that. Okay so --

14 THE REPORTER: One at a time.

15 Q. What type of handgun was?

16 A. He doesn't specifically give me  
17 a make, model, or serial number.

18 Q. Does he give you whether it was  
19 an automatic or a revolver?

20 A. No, I don't believe he did.

21 Q. To your knowledge, at any time  
22 did Suffolk County seek to impose a red  
23 flag law against Mr. Eric Spronz?

24 A. To my knowledge, no.

25 Q. Okay. To your knowledge, in

1 K. WUSTENHOFF

2 this particular matter was the suspension  
3 judicially mandated?

4 A. No.

5 Q. So no judge was involved in  
6 this case before his suspension; to your  
7 knowledge?

8 A. Yes.

9 Q. Yes, what? A judge was involved  
10 or a judge wasn't involved?

11 A. To my knowledge a judge was not  
12 involved.

13 Q. Now, where in the pistol  
14 license handbook does it state that you  
15 have to keep your weapon concealed at all  
16 times; do you know? You know where that  
17 exists?

18 A. I know in the book. If you're  
19 asking me to cite the chapter, I don't know  
20 that, no.

21 Q. And, where in the book does it  
22 say that any alleged violation results in  
23 an automatic six month suspension?

24 A. Again I would have to have that  
25 book in front of me to know what chapter

1 K. WUSTENHOFF

2 that is.

3 Q. But you're saying it's in that  
4 book somewhere?

5 A. Say that again. Can you just  
6 ask me the question again.

7 Q. Okay. The pistol license  
8 handbook, does it state that any allegation  
9 of carrying out a class results in a six  
10 month suspension? Is that anywhere in that  
11 book?

12 A. No.

13 Q. Where is it kept that this is  
14 automatically a six month suspension?

15 A. It is a standard of practice in  
16 the bureau.

17 Q. So it's not written down  
18 anywhere; to your knowledge?

19 A. To my knowledge, no.

20 Q. Who determines that suspension  
21 time?

22 A. Ultimately it would be my  
23 supervisor, chain of command, inspector,  
24 chief, police commissioner.

25 Q. So you obviously don't know

1 K. WUSTENHOFF

2 where that directive comes down from?

3 A. The origin of it, no.

4 Q. And the entire time you've been  
5 in the pistol section that that's the rule?

6 A. It's the standard of practice.

7 Q. Okay. Effectually it's the  
8 policy of Suffolk County?

9 MS. ZWILLING: Objection, you  
10 can answer.

11 A. No. It is the standard of  
12 practice for the bureau.

13 Q. So that's their policy?

14 MS. ZWILLING: Objection, he's  
15 given you the answer. You can't  
16 re-ask the question.

17 Q. Is that standard of practice  
18 ever deviated from?

19 A. It can be.

20 Q. To your knowledge, has it been?

21 A. That's not a position that I  
22 can make that decision. I'm not in that  
23 position.

24 Q. Have you ever seen a case where  
25 someone wasn't suspended even though they

1 K. WUSTENHOFF

2 were alleged to have done something?

3 A. Have I personally touched a  
4 case like that.

5 Q. Not touched it, know of,  
6 knowledge?

7 A. There's a variety of  
8 circumstances so you'd have to be specific.

9 Q. I'm asking you, to your  
10 knowledge, to only your knowledge, do you  
11 know of any case where somebody was alleged  
12 to have violated the pistol handbook and  
13 they weren't suspended?

14 A. To my knowledge, no.

15 Q. Okay, that's all.

16 MR. YOUNG: That's all the  
17 questions I have for this witness.

18 THE REPORTER: Mr. Young, are  
19 you ordering this transcript?

20 MR. YOUNG: Yes.

21 THE REPORTER: Ms. Zwilling,  
22 are you ordering this transcript.

23 MS. ZWILLING: No.

24 THE REPORTER: Mr. Morris are  
25 you ordering this transcript.

1 K. WUSTENHOFF

2 MR. MORRIS: I'm with Mr.

3 Young.

4 MR. YOUNG: We're ordering it

5 together, one copy.

6 (11:39 a.m.)

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1 K. WUSTENHOFF

2 A C K N O W L E D G E M E N T

3

4 STATE OF NEW YORK)

5 :ss

6 COUNTY OF QUEENS)

7 I, KEVIN WUSTENHOFF, hereby certify that  
8 I have read the transcript of my testimony  
9 taken under oath on September 26, 2024,  
10 that the transcript is a true, complete and  
11 correct record of what was asked, answered  
12 and said during my testimony under oath,  
13 and that the answers on the record as given  
14 by me are true and correct.

15

16

17

\_\_\_\_\_

18

19 Signed and subscribed to  
20 before me, this \_\_\_\_\_ day  
21 of \_\_\_\_\_, \_\_\_\_\_.

22

23

\_\_\_\_\_

24 Notary Public

25

1 K. WUSTENHOFF

2 I N D E X

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1 K. WUSTENHOFF

2  
3 C E R T I F I C A T E

4 I, GABRIELLA TUTINO, a shorthand  
reporter and Notary Public within and for  
the State of New York, do hereby certify:

5 That the witness(es) whose testimony  
is hereinbefore set forth was duly sworn  
6 by me, and the foregoing transcript is a  
true record of the testimony given by  
7 such witness(es).

8 I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
9 am in no way interested in the outcome  
of this matter.

10  
11  
12   
13 GABRIELLA TUTINO